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EXAMINER
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RAJ, RAJIV J

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/750,032  
Filing Date: December 31, 2003  
Appellant(s): VANDERVEEN, TIMOTHY W.

\_\_\_\_\_  
Timothy W. Vanderveen  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed December 14, 2010 appealing from the  
Office action mailed May 18, 2010.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

Claims 1, 3-25 stands rejected and are currently appealed. Claim 2 has been previously cancelled.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

#### **(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

#### **(8) Evidence Relied Upon**

4847764	Allen III	03-1988
2003/0140928 A1	Bui et al.	07-2003
4847764	Halvorson	07-1989
5267174	Kaufman et al.	11-1993
Official Notice	That color coding is a well known technique for organizing and managing data.	

#### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

##### ***Claim Objections***

1. In light of applicant's amendments the claim objection has been withdrawn.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. In response to applicant's amendments the 101 rejection of claims 25-26 has been withdrawn.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 3-7, 9-21, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson (US 4847764) (hereinafter Halvorson) in view of

Allen, III (US 4731726) (hereinafter Allen) in further view of Bui et al.

(US 2003/0140928 A1) (hereinafter Bui).

### **Claim 1**

Halvorson as shown discloses the following limitations:

- *a plurality a plurality of medication administration devices for delivering medication to a plurality of patients; (see at least Halvorson Fig:2 Items:32,40,50-52 & related text)*
- *the medication administration information including a plurality of medication administration parameters and a parameter value associated with each medication administration parameter; (see at least Halvorson Fig:3 Items:62,63 & related text)*
- *a central computer display connected to the central processor and configured to display a . . . display of status and schedule information for all drug administrations to the plurality of patients; (see at least Halvorson Fig:1 Items:10-32 Fig:3 Item:61 Fig:30 Item:95 & related text)*
- *a database operatively connected to the central processor for storing medication administration guidelines representing acceptable values for the plurality of medication administration parameters; (see at least Halvorson Fig:1 Items:10-32 Fig:4-23 & related text)*

- *means for communicating medication administration information from each of the plurality of medication administration devices to the central processor; (see at least Halvorson Fig:1 Items:10-32 & related text)*
- *wherein the central processor is further configured to compare the parameter values to the acceptable values for the parameters in the medication administration guidelines (see at least Halvorson Claim:2)*
- *wherein the central processor and the CPU are communicatively coupled via a local area network; (see at least Halvorson Fig:1 Items:10-32 & related text)*

Halvorson does not disclose the following limitations, however Allen, as shown does:

- *a memory associated with each medication administration device for storing medication administration information associated with the medication delivered to each patient, (see at least Allen Fig:2 Items:150-154 & related text)*
- *a central processor configured to receive medication administration information from each of the plurality of medication administration devices; (see at least Allen Fig:2 & 4 Items:10, 102-106 & related text)*

It would have been obvious to one of ordinary skill in the art to add the features of Allen into Halvorson. One of ordinary skill in the art would have added these features into Halvorson with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

Halvorson/Allen does not disclose the following limitations, however Bui, as shown does:

- *a first central processing unit (CPU) located at a patient's bedside and in communication with a subset of the plurality of medication administration devices and configured to monitor the subset of the plurality of medication administration devices and display results of the monitoring; (see at least Bui [0015-0023] Fig:1 & related text)*
- *a second CPU in communication with the first CPU over a hospital network, the second CPU located at a nursing station and configured to report patient information pertaining to a hospital unit; (see at least Bui [0015-0023] Fig:1 & related text)*
- *where in the first CPU is configured to receive an alarm generated by one of the subset of the plurality of medication administration devices and broadcast the received alarm after a predetermined period; (see at least Bui [0048, 0112, 0131-0137])*
- *wherein the central processor is further configured to display a list of ongoing infusions to the plurality of patients; (see at least Bui [0040] Fig:1 Items:100-110 Fig:3 Items:302 & related text)*

It would have been obvious to one of ordinary skill in the art to add the features of Bui into Halvorson/Allen. One of ordinary skill in the art would have added these features into Halvorson/Allen with the motivation to provide a more efficient and



effective method and system for displaying, communicating and managing the administration of medication yielding higher quality healthcare. (see at least Bui [0004-0005])

The combination of Halvorson/Allen/Bui discloses all the limitations of Claim 1. Halvorson/Allen/Bui does not specifically disclose *color coded*. However, the Examiner takes **Official Notice** that it is old and well known in the medical arts to provide services in a regulated and managed manner.

It would have been obvious to one skilled in the art at the time of the invention to combine the limitations of Halvorson/Allen/Bui with a limitation where the *color coded* because it is a natural and commonly-used aspect in organizing and displaying medical data.

### **Claim 3**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 1. Halvorson further discloses the following limitation:

- *the central processor is further configured to provide a visual indication on the central computer display if one of the parameter values does not fall within the acceptable values for the parameter in the corresponding medication administration guideline (see at least Halvorson Fig:1 Items:10-32 & related text)*

### **Claim 4**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 1. Halvorson further discloses the following limitation:

- *the central computer display is located in a pharmacy;* (see at least Halvorson Abstract, Fig:1 Items:10-32 Fig:16 Item:84 Fig:27 Item:92 Fig:28 Item:93 & related text)

#### **Claim 5**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 3. Allen further discloses the following limitations:

- *means for a clinician to adjust the medication administration parameter values in response to the visual indication* (see at least Allen Column:6 Lines:45-50)

It would have been obvious to one of ordinary skill in the art to add the features of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added these features into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

#### **Claim 6**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 5. Allen further discloses the following limitations:

- *means for the clinician to report to a caregiver at the point of care the adjusted medication administration parameter values* (see at least Allen Column:2 Lines:40-47)

It would have been obvious to one of ordinary skill in the art to add the features of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added these features into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

#### **Claim 7**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 1. Allen further discloses the following limitation:

- *the central processor is further configured to automatically adjust the medication administration parameter values in response to an indication that one of the parameter values does not fall within the acceptable values for the parameter in the corresponding medication administration guideline* (see at least Allen Fig:56 Items:320-370 & related text)

It would have been obvious to one of ordinary skill in the art to add the features of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added these features into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for

more effective patient healthcare. (see at least Allen Column:1 Lines:62-68  
Column:2 Lines:1-15)

#### **Claim 9**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 1.  
Halvorson further discloses the following limitation:

- *means for communication between a caregiver located at one of the medication administration devices and a clinician located at the central computer display* (see at least Halvorson Fig:1 Items:10-32 & related text)

#### **Claim 10**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 1.  
Allen further discloses the following limitation:

- *the medication administration parameters include current medication administration device operating parameters;* (see at least Allen Column:16 Lines:54-65 Fig:7A-8E & related text)

It would have been obvious to one of ordinary skill in the art to add the features of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added these features into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68  
Column:2 Lines:1-15)

#### **Claim 11**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 1.

Allen further discloses the following limitation:

- *the medication administration guidelines include the acceptable values for the medication administration parameters based on patient condition data;*  
(see at least Allen Fig:5G Items:320-370 & related text)

It would have been obvious to one of ordinary skill in the art to add the features of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added these features into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

## **Claim 12**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 11.

Halvorson further discloses the following limitations:

- *wherein the processor is further configured to compare the parameter values to the acceptable values for the parameters in the medication administration guidelines corresponding to the stored patient condition data associated with each patient* (see at least Halvorson Claim:2)

Halvorson/Allen/Bui does not disclose the following limitations, however Allen, as shown does:

- *a memory operatively connected to the central processor for storing patient condition data associated with each patient;* (see at least Allen Claim:5)

It would have been obvious to one of ordinary skill in the art to add the features of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added these features into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

### **Claim 13**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 12. Allen further discloses the following limitation:

- *the patient condition data for each patient includes current physiological status;* (see at least Allen Fig:5B-F & related text)

It would have been obvious to one of ordinary skill in the art to add the features of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added these features into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

### **Claim 14**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 1.

Allen further discloses the following limitation:

- *the medication administration guidelines include the acceptable values for the medication administration parameters based on medication indication data; (see at least Allen Fig:6A-8B & related text)*

It would have been obvious to one of ordinary skill in the art to add the features of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added these features into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

### **Claim 15**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 1.

Halvorson further discloses the following limitations:

- *a memory in which is stored medication order information for a plurality of patients, the medication order information including a plurality of prescribed medication administration parameters for delivering medication to each patient and a parameter value associated with each prescribed medication administration parameter; (see at least Halvorson Fig:3 Item:67 Fig:4, Fig:20 Item:85, Fig:25 Item:90 & related text)*

- *wherein the processor is further configured to compare the parameter values of the prescribed medication administration parameters to the acceptable values for the medication administration parameters in the medication administration guideline (see at least Halvorson Claim:2)*

#### **Claim 16**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 15.

Allen further discloses the following limitation:

- *a central computer display operatively connected to the central processor and wherein the central processor is further configured to display the medication order information and the medication administration information on the central computer display (see at least Allen Fig:1 Items:12,14, Fig:2 & related text)*

It would have been obvious to one of ordinary skill in the art to add the feature of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added this feature into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

#### **Claim 17**

Halvorson as shown discloses the following limitations:



- *the medication administration information including a plurality of medication administration parameters and a parameter value associated with each medication administration parameter; (see at least Halvorson Fig:3 Items:62,63 & related text)*
- *storing a database of medication administration guidelines representing acceptable values for the medication administration parameters; (see at least Halvorson Fig:1 Items:10-32, Fig:4-23 & related text)*
- *communicating the medication administration information and the medication administration guidelines to a central location; (see at least Halvorson Fig:1 Items:10-32 & related text)*
- *comparing, on a computer at the central location, the parameter values to the acceptable values for the parameters in the medication administration guidelines; (see at least Halvorson Claim:2 Fig:1 Items:10-32 & related text)*
- *said acceptable values comprising a soft limit and a hard limit; (see at least Halvorson Column:2 Lines:54-61 Fig:4-25 & related text)*
- *operating a medication administration device by issuing an alarm if one of said parameter values contravenes its corresponding hard limit; (see at least Halvorson ; (see at least Halvorson Column:2 Lines:54-61 Column:5 Lines:3-32 Fig:1 Items:10-32 & related text)*

- *its corresponding soft limit;* (see at least Halvorson Column:2 Lines:54-61)
- *a corresponding soft limit;* (see at least Halvorson Column:2 Lines:54-61)

Halvorson does not disclose the following limitations, however Allen, as shown does:

- *monitoring medication administration information associated with medication delivered to each patient* (see at least Allen Claim:1)
- *providing, using the computer at the central location, a visual indication on a computer display at the central location if one of the parameter values contravenes . . . in the medication administration guideline;* (see at least Allen Fig:1 Item:10, Fig:2 Item:102, Fig:5G Items:320-370, Fig:6B Items:414-432, Fig:7A Items:500-516 Fig:23 & related text)

It would have been obvious to one of ordinary skill in the art to add the feature of Allen into Halvorson. One of ordinary skill in the art would have added this feature into Halvorson with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

Halvorson/Allen does not disclose the following limitations, however Bui, as shown does:

- *requiring an acknowledgment from a user before operating the medication administration device using a medical administration parameter contravening;*

(see at least Bui [0053-0054], [0066], [0069-0071] Claims:1,25 & 26 Fig:4 Items:400 & related text)

It would have been obvious to one of ordinary skill in the art to add the features of Bui into Halvorson/Allen. One of ordinary skill in the art would have added these features into Halvorson/Allen with the motivation to provide a more efficient and effective method and system for displaying, communicating and managing the administration of medication yielding higher quality healthcare. (see at least Bui [0004-0005])

#### **Claim 18**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 17. Allen further discloses the following limitation:

- *displaying the medication administration information on a computer display at the central location* (see at least Allen Fig:1 Items:12 fig:2 & related text)

It would have been obvious to one of ordinary skill in the art to add the feature of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added this feature into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

#### **Claim 19**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 18.

Halvorson further discloses the following limitation:

- *providing an indication at the central location includes displaying an alert on the computer display; (see at least Halvorson Column:5 Lines:3-35, Fig:1 Items:10-32 & related text)*

#### **Claim 20**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 17.

Allen further discloses the following limitation:

- *adjusting the medication administration parameter values from the central location in response to the indication; (see at least Allen Column:6 Lines:45-50)*

It would have been obvious to one of ordinary skill in the art to add the feature of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added this feature into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

#### **Claim 21**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 17.

Allen further discloses the following limitation:

- *communicating information from the central location to a care-giver located at the point of care* (see at least Allen Column:2 Lines:40-47)

It would have been obvious to one of ordinary skill in the art to add the feature of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added this feature into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

#### **Claim 23**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 17. Allen further discloses the following limitation:

- *the medication administration guidelines include the acceptable values for the medication administration parameters based on patient condition data* (see at least Allen Fig:5G Items:320-370 & related text)

It would have been obvious to one of ordinary skill in the art to add the feature of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added this feature into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

#### **Claim 24**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 17.

Allen further discloses the following limitation:

- *the medication administration guidelines include the acceptable values for the medication administration parameters based on medication indication data;* (see at least Allen Fig:6A-8B & related text)

It would have been obvious to one of ordinary skill in the art to add the feature of Allen into Halvorson/Allen/Bui. One of ordinary skill in the art would have added this feature into Halvorson/Allen/Bui with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

### **Claim 25**

Halvorson as shown discloses the following limitations:

- *reviewing, at a pharmacy computer, a medication order prescribed by a physician;* (see at least Halvorson Claim:1 Fig:1 Items:10-32 & related text)
- *checking, at the pharmacy computer, the medication order for incompatibilities with the patient's record;* (see at least Halvorson Claim:5 Column:2 Lines:38-61)
- *transferring the medication order to a nursing station following the checking for incompatibilities;* (see at least Halvorson Column:22

Lines:35-67 Column:23 Lines:1-67 Fig:1, 24, 28 Items:10-32 & related text)

- *communicatively coupled with the pharmacy computer with medication delivery parameters;* (see at least Halvorson Fig:1, 16 Items:10-32 & related text)
- *verifying, at the pharmacy computer, the medication delivery parameters;* (see at least Halvorson Column:4 Lines:45-66 Claim:12)
- *if the verification passes, then administering the medication order to the patient using the clinical device according to the verified medication delivery parameters;* (see at least Halvorson Claims:1,2 & 13)
- *if the verification fails, then sounding an alarm at the pharmacy computer;* (see at least Halvorson Claim:9)
- *administering the medication order to the patient using the clinical device according to the corrected or overridden medical delivery parameters;* (see at least Halvorson Claims:1,2 & 55)

Halvorson does not disclose the following limitations, however Allen, as shown does:

- *programming a clinical device connected to the patient;* (see at least Allen Fig:4 Items:10-114 & related text)
- *allowing a user to correct or override, . . . , the medication delivery parameters;* (see at least Allen Column:27 Lines:30-50)

It would have been obvious to one of ordinary skill in the art to add the feature of Allen into Halvorson. One of ordinary skill in the art would have added this feature into Halvorson with the motivation of providing an improved method and system for monitoring and adjusting administration of medication for more effective patient healthcare. (see at least Allen Column:1 Lines:62-68 Column:2 Lines:1-15)

Halvorson does not disclose the following limitations, however Allen, as shown does:

- *in real-time*; (see at least Bui [0048-0049])

It would have been obvious to one of ordinary skill in the art to add the features of Bui into Halvorson/Allen. One of ordinary skill in the art would have added these features into Halvorson/Allen with the motivation to provide a more efficient and effective method and system for displaying, communicating and managing the administration of medication yielding higher quality healthcare. (see at least Bui [0004-0005])

7. Claims 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson in view of Allen in further view of Kaufman et al. (US 5267174) (hereinafter Kaufman).

### **Claim 8**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 1. Kaufman further discloses the following limitation:



- *the central processor periodically compares the parameter values to the acceptable values for the parameters in the medication administration guidelines throughout the administration of the medication* (see at least Kaufman Column:19 Lines:12-16)

It would have been obvious to one of ordinary skill in the art to add the feature of Kaufman into Halvorson/Allen/Bui. One of ordinary skill in the art would have added this feature into Halvorson/Allen/Bui with the motivation to provide an adjustable and a more effective interactive medication delivery device. (see at least Kaufman Column:2 Lines:15-28)

#### **Claim 22**

The combination of Halvorson/Allen/Bui disclose all the limitations of claim 17. Kaufman further discloses the following limitation:

- *periodically comparing the parameter values to the acceptable values for the parameters in the medication administration guidelines throughout the administration* (see at least Kaufman Column:19 Lines:12-16)

It would have been obvious to one of ordinary skill in the art to add the feature of Kaufman into Halvorson/Allen/Bui. One of ordinary skill in the art would have added this feature into Halvorson/Allen/Bui with the motivation to provide an adjustable and a more effective interactive medication delivery device. (see at least Kaufman Column:2 Lines:15-28)

#### **(10) Response to Argument**

1. In response to applicant's argument that Bui is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).
2. In response to applicant's arguments that Bui fails to disclose or teach the feature of "alarm" in claim 1, the Examiner has fully considered applicant's arguments and finds them unpersuasive. The Examiner finds no patentable distinction between the "alert" in Bui & the "alarm" in applicant's limitations, pointing out that the applicant actually using the term "alert" and "alarm" interchangeably (see Specification [0049]). Bui does disclose applicant's limitation by teaching alerting a medical professional when a predetermined event has been detected for a predetermined time.

3. In response to applicant's arguments that the cited prior art fails to disclose or teach the feature of "soft limits" and/or "hard limits" in claim 17, the Examiner has fully considered applicant's arguments and finds them unpersuasive. The Examiner points out that the cited prior art clearly shows adjustable limitations that teach applicant's "soft limits". (see at least Halvorson Column:2 Lines:54-61) Further, even though the applicant fails to acknowledge it, the Examiner has cited a an accurate teaching of "hard limits". (See at least Halvorson Column:5 Lines:30-35)
4. Applicant's arguments regarding prior art reference Bui & claim 25 are not directed towards the actual claim language that Bui is cited to teach and disclose, and thus the Examiner finds applicant's moot, as Bui is cited to disclose and teach the feature of "*in real-time*", which it does and which applicant has not put forth any argument towards the contrary.
5. Applicant's arguments for claims 8 & 22 are substantially similar to those for claims 1 & 17, and thus are rejected on the same grounds.
6. Applicant's arguments for 3-7, 9-16, 18-21 & 23-24 are based on their dependency of claims 1 & 17 and thus are rejected on the same grounds.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

**(12) Conclusion**

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Rajiv J. Raj/  
Art Unit 3686

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